

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 5, 2006 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.06003

PROPOSAL: Vacate the east 14 feet of 1st Street between the north and south lines of "R" Street; "R" Street between 1st and 2nd Streets; and the west 25 feet of 2nd Street between the south line of the north 14 feet of vacated "Q" Street and the north line of "R" Street.

LOCATION: N. 1st Street "R" Street

LAND AREA: 41,400 s.f., more or less

CONCLUSION: The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

SURROUNDING LAND USE AND ZONING:

North: I-1, Industrial City Mission building and undeveloped
South: I-1, Industrial City Mission buildings
East: I-1, Industrial Undeveloped and storage yard
West: I-1 Industrial Storage yard

HISTORY:

November 15, 2005 Administrative Amendment #05118 to expand the People's City Mission facility was approved by the Planning Director.

October 17, 2005 Waiver #05008 to waive the surfacing requirement for a parking lot was approved by City Council.

September 15, 2003 Street & Alley vacation #01021 to vacate the east-west alley in Block 264 was approved by the City Council.

September 15, 2003 Special permit #1123B to expand the boundary for the People's City Mission and Waiver #02005 to waive

STREET VACATION NO.00018

PAGE 2

March 28, 1983 improvements associated with a final plat was approved by the City Council.
Ordinance #13562 vacating "S" Street from the east line of N. 1st Street to the west line of N. 2nd Street was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive plan identifies this area as industrial. (F-23)

UTILITIES:

There are existing electrical facilities and a 2" natural gas main within the proposed vacation corridor.

TRAFFIC ANALYSIS:

North 1st and 2nd Streets and "R" Street are local streets.

ANALYSIS:

1. This is an application to vacate the east 14 feet of 1st Street between the north and south lines of "R" Street; "R" Street between 1st and 2nd Streets; and the west 25 feet of 2nd Street between the south line of the north 14 feet of vacated "Q" Street and the north line of "R" Street.
2. The Mission owns property on the north and south side of 'R' Street. The applicant has stated that approval of this street vacation would allow installation of a security fence around the Mission property and possible future expansion of the Men's Shelter.
3. The vacation of 'R' Street will leave platted lots without frontage to a public street. A final plat must be filed to create lots that will have access to a public street.
4. There are two street lights and a 2" gas main within the area of N. 1st St. and 'R' St. to be vacated. The applicant will need to contact Lincoln Electric System to have the street lights removed. An easement will need to be maintained over the gas main.
5. The area is within the 100 year flood zone. The City's policy is to retain a permanent conservation easement that protects the flood storage capacity over the entire vacated corridor or an alternate conservation easement on other Mission property to offset any proposed fill within the vacated right-of-way.

6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Sign a conservation easement acceptable to the City.

Prepared by:

Tom Cajka
Planner

DATE: June 22, 2006

APPLICANT: R. Thomas Barber, Executive Director
People's City Mission
110 'Q' St.
Lincoln, NE 68508
(402) 475-1303

OWNER: People's City Mission
110 'Q' St.
Lincoln, NE 68508
(402) 475-1303

CONTACT: J.D. Burt
Design Associates
1609 'N' St. Suite 100
Lincoln, NE 68508
(402) 474-3000



"JD Burt"
<jdburt@inebraska.com>

06/13/2006 04:44 PM

Please respond to
<jdburt@inebraska.com>

To "tom cajka" <tcajka@ci.lincoln.ne.us>

cc "pastor tom barber" <pt@neb.rr.com>, "jerry owen"
<jerryowen@neb.rr.com>

bcc

Subject RE: street vacation

Tom,

The request to vacate "R" Street and a portion of 2nd Street are an attempt to consolidate Mission property north and south of "R" Street. Approval of the vacation will allow installation of security fence around the Mission property on both sides of the street and possibly expansion of the Men's Shelter (west wing) into the vacated "R" Street right-of-way, east of 1st Street. The requested vacation along 2nd Street is proposed to allow construction of a parking lot east of the Women's Shelter (east wing) and preservation of a front yard setback along 2nd Street.

We have discussed a master plan with Mission staff. Due to the uncertainty of funding and time schedule of the unknown funding, the locations, sizes and uses of future buildings are not known at this time. We have however prepared a concept plan showing the proposed parking lot east of the Women's Shelter to be constructed upon approval of the vacations and amendment to the Special Permit.

We had discussed dedication of conservation easements with Mission staff. They are agreeable to the easement, as indicated in the cover letter submitted with the vacation petition.

In light of the uncertainty for any expansion of the Mission at this time, a meeting appears to be premature. We are, however, willing to discuss the parking lot or other issues, if your office feels the need.

JD

-----Original Message-----

From: TCajka@ci.lincoln.ne.us [mailto:TCajka@ci.lincoln.ne.us]

Sent: Monday, June 12, 2006 9:12 AM

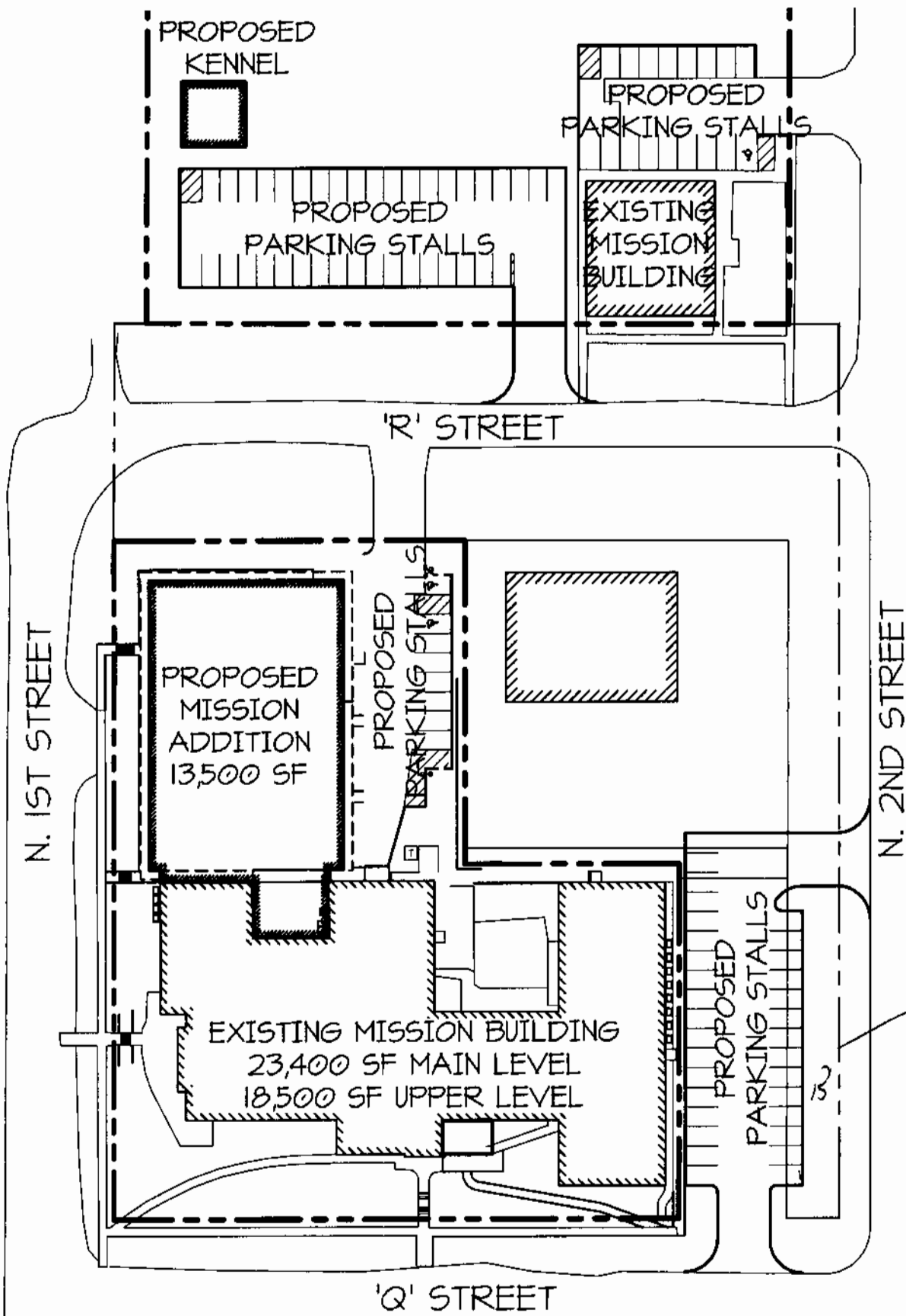
To: jdburt@inebraska.com

Subject: street vacation

Your proposed street vacation of "R" St. for Peoples City Mission was discussed at staff meeting last Friday. Public works and Planning thought it would be a good idea to meet with you and discuss the future plans for PCM before the street vacation proceeds. If there are plans to expand the building or add new buildings, a concept plan is requested.



PCM Campus Plan.pdf



Parking in the front yard not allowed in I-1 District.

new lot line?

Design Associates of Lincoln, Inc.



ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508
voice:402.474.3000 desaseoc@lincolnbarska.com fax:402.474.4045



PEOPLE CITY MISSION CAMPUS PLAN

NO SCALE

13 JUN 2006

Design Associates

of Lincoln, Inc.



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June 5, 2006

Marvin Krout
Lincoln Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Street Vacation

Mr. Krout,

On behalf of the People's City Mission, attached please find an executed PETITION TO VACATE PUBLIC WAY. The petition includes "R" Street between 1st Street and 2nd Streets, a portion of 1st Street adjacent to "R" Street and the West 25' of 2nd Street between "Q" and "R" Streets. The limits of the vacation request and Mission's ownership are shown in Exhibit "A".

The purpose of this vacation is to allow purchase and use of the vacated street right-of-way adjacent to Blocks 263 and 264, which are both owned by the Mission. If the requested vacation is approved, an amendment of Special Permit #1123B will be submitted to include the vacated right-of-way into the special permit.

It is acknowledged city policy requires conservation easements that prohibit placement of fill material in right-of-ways when vacated, if located in a flood plain. The owner agrees to dedicate such an easement or an alternate conservation easement on other Mission property located in the flood plain to offset any proposed fill within the vacated right-of-way. Calculations for fill quantities for the proposed vacation are shown in Exhibit "B"

Please advise if additional information is needed.

Sincerely,

J.D. Burt
For the firm

cc: John Watson, President, People's City Mission Board
Pastor Tom Barber

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.) East 14' of 1st Street between the north and south lines of 'R' Street; 'R' Street between 1st and 2nd Streets; and West 25' of 2nd Street between the south line of the north 14' of
vacated 'Q' Street and the north line of 'R' Street

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)

lots 1-12 and vacated alley in Block 263 and vacated right of way adjacent; lots 1-12 and
vacated alley in Block 264 all in Lincoln Original Plat

DATED this

day of

JUNE

20

06

EXECUTIVE DIRECTOR

**(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION
BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)**

(Individual(s) Acknowledgment):

STATE OF Nebraska)
Lancaster COUNTY) ss.

The foregoing instrument was acknowledged before me on this 1st day of June, 2006 by

R. Thomas Barber, Exec. Dir. PCM.

(Please indicate name(s) and marital status of person(s) signing)

(Seal) BARBARA B. MCCALL
General Notary
State of Nebraska
My Commission Expires Sep 14, 2009

Barbara B McCall
Notary Public

(Corporate Acknowledgment):

STATE OF _____)
_____) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by
_____, president of _____, on behalf of the corporation.

(Seal)

Notary Public

(Partnership Acknowledgment):

STATE OF _____)
_____) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by
_____, general partner of _____, on behalf of the partnership.

(Seal)

Notary Public

(Limited Liability Company Acknowledgment):

STATE OF _____)
_____) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by
_____, managing member of _____, on behalf of said limited
liability company.

(Seal)

Notary Public

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Peoples City Mission Home
If more than one individual, indicate if you are:
_____ joint tenants with right of survivorship, OR _____ tenants in common
2. Petitioner's Address: 110 'Q' Street
Lincoln, NE 68508
3. Petitioner's Telephone Number: (402) 475-1303
4. Name of street, alley, or other public way sought to be vacated: 'R' Street between the east
line of 1st Street and west line of 2nd Street
5. Legal description of Petitioner's property which abuts the public way sought to be vacated: lots 1-6 and
East 14' of vacated 1st Street, Block 263 and lots 7-12, Block 264
Lincoln Original Plat
6. Why are you seeking to have this street, alley, or other public way vacated?
Consolidation of Mission ownership, north and south of "R" Street
7. What use or uses do you propose to make of the public way should it be vacated?
Expansion of homeless and daywatch shelter into
"R" Street right-of-way
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the
Petition to Vacate Public Way and/or other portions of the vacated public way?
X YES _____ NO
9. Name and address of person to whom tax statement should be sent:
Peoples City Mission Home Attn: Jerry Owen
110 'Q' Street
Lincoln, NE 68508

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

EXISTING CONSERVATION
EASEMENT

VACATED ORD. 15962
S STREET

AREA OF VACATION

FILL WITHIN LIMITS OF RIGHT OF WAY
TO BE VACATED: TOTAL 12,370 CY

Design Associates
of Lincoln, Inc.



ARCHITECTS • ENGINEERS • PLANNERS

PERSHING SQUARE 1609 "N" STREET LINCOLN NEBRASKA 68508
voice:402.474.3000 deasoc@nebraska.com fax:402.474.4045



EXHIBIT 'A'

NO SCALE

PEOPLES CITY MISSION
OWNERSHIP

05 JUN 2006

Please provide your comments below, and also identify the reservations and easements you will require should this vacation be approved. Complete ONLY those areas of your jurisdiction.

Type of Facility	Facility presently in place.	Facility to be built, When?
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	_____	_____
Electrical Power, Underground	_____	_____
Street Lighting	yes (see below)	—
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

NO comments (LR)

There are presently two City street lights on this street. If this street is vacated, please contact Jerry Rothol at 467-7642 to have these lights removed since it is no longer a city street.

RETAIN EASEMENTS for existing and future electrical facilities within the proposed vacation corridor.

6/14/2006
Date

Stanley D. Wostel
Signature

467-7627
Phone

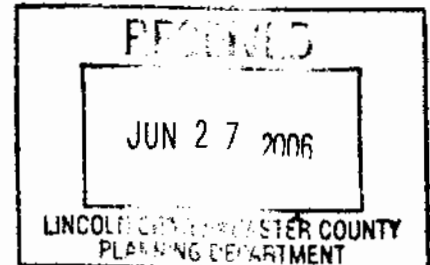


Aquila

Aquila Networks
P.O. Box 83008
Lincoln, NE 68501-3008

June 15, 2006

Tom Cajka
City-County Planning Department
555 So. 10th Street
Lincoln, NE. 68508



RE: Request to vacate the following:

Street & Alley Vacation No. SAV 06003
R Street between 1st & 2nd Street, a portion of 1st Street adjacent to R Street
and the west 25' of 2nd Street between Q Street & R Street

Dear Mr. Cajka:

Per your request, I have reviewed the above referenced street & alley vacation with concern toward natural gas facilities. A two-inch natural gas main occupies the south right-of-way of "R" Street from the east right-of-way of North 1st Street to 328' east at 20' south of centerline of "R" Street then the line is capped. This main serves the City Mission Dorm, so it must remain in service. Attached are as-built drawings that display the general location of this gas main.

Aquila objects to this proposed street vacation on "R" Street, unless an easement is established as part of this vacation to include the gas main.

If you have any concerns regarding this letter, please call me at my office. My phone number is 4371715.

Sincerely Yours,

Randy Kreifels
Construction Coordinator

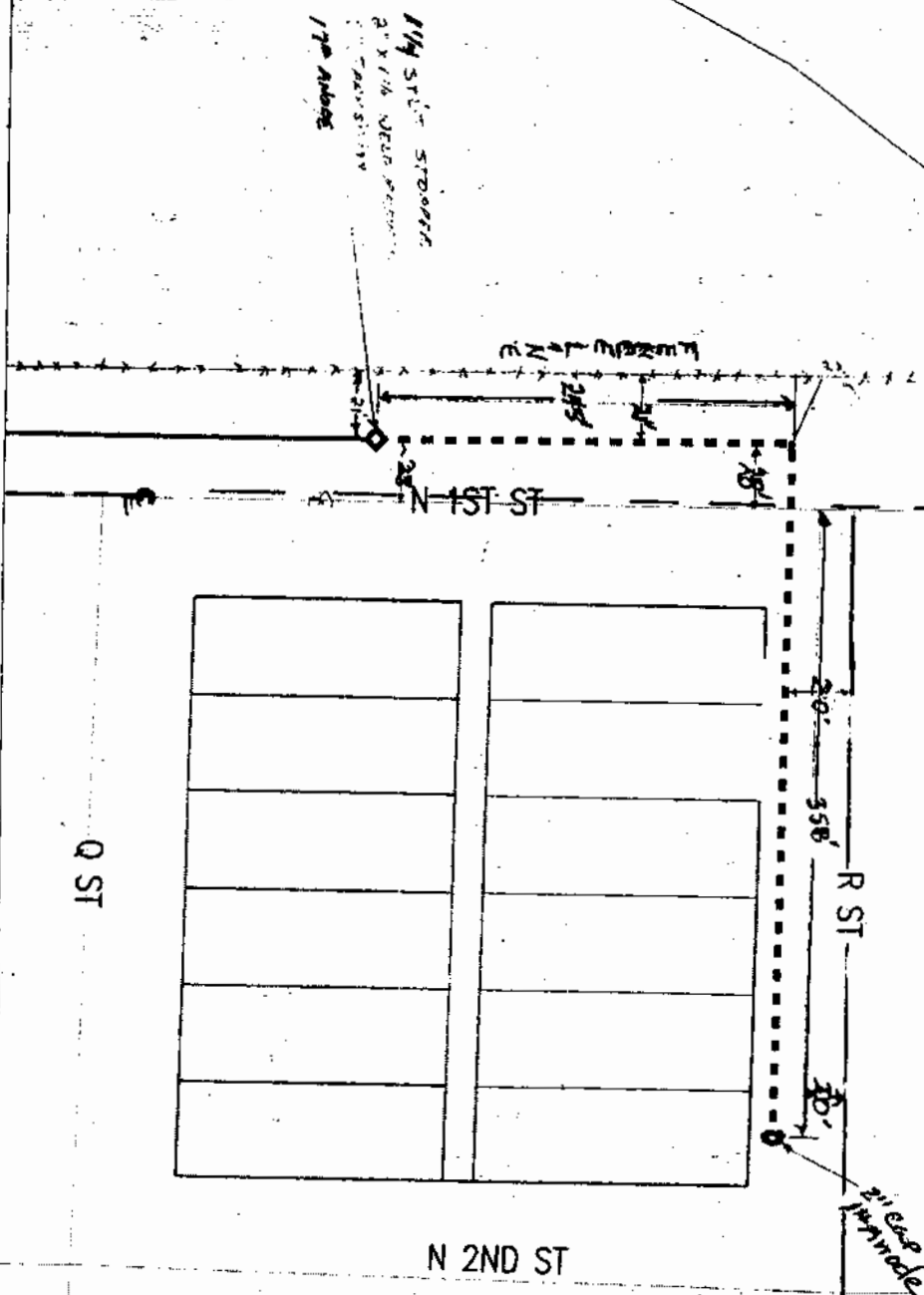
Work Sheet #	7-7-04	Contractor	U.S.C.
Work Completed	7-12	Inspector	W. J. G.
Installed:		Operating Pressure	34" x
Pipe Type	2006 P.C.	Test Pressure	120 P.S.I.
Footage	641'	Test Time	1 1/2 HRS
Relife Pipe		Test Type	16V21 & P.T.
Footage			

Aquila



CALL BEFORE YOU DIG
IN NE (800) 331-5666

CITY MISSION



Job Number: 0811704

Description: Activity ID # 60006025

Contact Name: LINCOLN 1ST & R ST

City: LINCOLN

TurnKey Sec: T10NR6E-23

Drawn By: Mirella

Job Title: unsl

Scale: 1" = 100'

State: NE





CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 6/20/2006

To: Tom Cajka

From: Devin Biesecker

Subject: Vacation of 'R' Street between 1st and 2nd

cc: Ben Higgins, Dennis Bartels

Below are Watershed Management's comments on the proposed vacation of 'R' Street between 1st and 2nd Streets.

1. This street is located in the 100 year floodplain of Salt Creek. A result from the Mayor's Floodplain Task Force was a recommended policy for vacating City owned property in the floodplain. The recommended policy reads as follows:

"The City and County should adopt a policy where, under normal circumstances, City or County property in the floodplain is viewed as serving a public purpose and not be proposed for surplus. If there are unusual circumstances that cause the consideration of declaring surplus property in the floodplain, the City or County should retain a permanent conservation easement that protects the flood storage capacity, or any flood storage impacts should be mitigated at a 1 to 1 ratio. Declaring surplus property should not be considered *under any circumstances* where floodplains contain environmental resources such as riparian areas or stream corridors that provide habitat and water infiltration benefits or serve as connectors to natural areas."

Watershed Management recommends that the policy drafted by the Mayor's Floodplain Task Force apply to the vacation of 'R' Street.